

Chapter 11.40

ABANDONED AND IMPOUNDED VEHICLES

Sections:

11.40.010 Improperly registered and stolen vehicles—Notice.

11.40.020 Vehicles deemed nuisance.

11.40.030 Notice of impounding.

11.40.040 Redemption of vehicle by owner.

11.40.050 Sale of impounded vehicles.

11.40.060 Distribution of funds from sale.

11.40.070 Records.

11.40.010 Improperly registered and stolen vehicles—Notice.

The police department shall immediately impound in a proper place of storage all vehicles found within the city that are improperly registered, stolen, or bearing defaced motor numbers and shall, within 96 hours thereafter, notify in writing the Motor Vehicle Division of the Utah State Tax Commission of such impounding, setting forth the date found, the address where found, the make, registration number and date and place where stored.

11.40.020 Vehicles deemed nuisance.

A. In addition to vehicles parked in violation of any ordinance of the city or the laws of the state, the following are declared to be nuisances:

1. Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this title;

2. Any vehicle found upon the streets or alleys of this city with faulty or defective equipment;

3. Any vehicle left unattended upon any bridge, viaduct, or at any subway where such vehicle constitutes an obstruction to traffic;

4. Any vehicle upon a street so disabled as to constitute an obstruction to traffic, when the persons in charge of the vehicle are, by

reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal;

5. Any vehicle left unattended upon a street or alley and parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;

6. Any vehicle left parked in the same place on any street or alley continuously for 24 hours;

7. Any vehicle wherein the driver has been taken into custody by the police department under circumstances so as to leave such vehicle unattended in a street, alley or restricted parking area;

8. Any vehicle being driven on the streets which is not in a proper condition to be driven; or

9. Any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.

B. Such nuisances may be summarily abated by removal by, under the direction of, or at the request of an officer of the police department, to a place of storage within the city, by means of towing or otherwise.

11.40.030 Notice of impounding.

A. As soon as is reasonable under the circumstances, a written notice that the vehicle has been impounded shall be mailed to the owner and recorded lien holder, if there is one, of the vehicle, at the last known address as shown on the records of the Motor Vehicle Division of the Utah State Tax Commission. If the license plates on the vehicle are from another state, written notice shall be mailed to the department of motor vehicles in that state, requesting such department to notify the registered owner of the vehicle that it has been impounded by the police department and that the vehicle will be sold at public auction as provided by this title, if not claimed by the owner or his proper representative.

B. The impounding of a vehicle shall not prevent or preclude the institution and

prosecution of criminal proceedings in the state, county or municipal courts or elsewhere against the owner or operator of the impounded vehicle.

11.40.040 Redemption of vehicle by owner.

Before the owner or his agent shall be permitted to remove a vehicle that has been impounded, he shall:

A. Furnish satisfactory evidence to the police department of his identity and of his ownership of the vehicle;

B. Request and obtain from the police department a written order directed to the place of storage in which the vehicle is impounded, authorizing the release of the vehicle to the owner or his agent upon payment to the place of storage of towing and storage charges reasonably incurred in the towing and storage of the vehicle from the date of the impounding to the time of presenting the order of release from the police department therefor; and

C. Sign a written receipt for the vehicle and deliver the same to the place of storage upon receiving the impounded vehicle.

11.040.050 Sale of impounded vehicles.

If, at the expiration of 30 days after mailing the notice provided for in this chapter, an impounded vehicle is not redeemed by the owner or his proper representative, the police department or its authorized agent shall proceed to sell the same at public auction to the highest bidder, after first giving at least ten days' notice of such sale by publishing a notice at least once in a newspaper published in the city, stating the time and place of the sale. The notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division of the Utah State Tax Commission show that it belongs, and if the name of the owner is unknown, that shall be stated. If the name of the owner or recorded lienholder is known, the

police department shall send the owner or recorded lienholder a copy of the notice immediately after its publication, which notice shall be mailed to their last known address or their address as shown on the records of the Motor Vehicle Division of the Utah State Tax Commission. A copy of this notice as published shall immediately, after publication, be mailed to the owner of the place of storage. The money received by the police department or its authorized agent from the sale of any impounded vehicle shall be applied first, to the actual cost of its towing and storage, then, to pay the cost of advertising the notice of sale of the vehicle, and the balance, if any, shall be tendered into the city to be used as provided in this chapter.

11.40.060 Distribution of funds from sale.

At any time within one year from and after such sale the former owner of the vehicle sold, upon application to the city and upon presentation of satisfactory proof that he was the owner of the vehicle sold, shall be paid the proceeds of such sale less the necessary expense thereof and less the towing, impounding and storage charges provided for in section 11.40.050 of this chapter.

11.40.070 Records.

The police department shall keep a record of all vehicles impounded by the manufacturer's trade name or make, body type, motor and license numbers, the names and addresses of all persons claiming the same, any other description that may aid to identify such vehicles, the nature and circumstances of impounding, the violation for which such vehicles were impounded, the date of such impounding, and the name and address of any person to whom any such vehicle is released.